G. R. S. IX-5]

Previous references.

File No. 174—14

Serial Nos. 1—8

1916
(Kharif)

Later references.

per 317-34-1-4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—8.

Part B for April 17.

SUBJECT.

Alienation of the inam lands endowed to Sri Venugopalaswami temple at Biligali in the Nanjangud Taluk.

O. No. 2453—Muz. 174-14-6, dated 29th March 1917.

Restoration of certain Vrittis in Jodi Iggali Village.

Passes orders on the ——— in the Nanjangud Taluk said to have been endowed to Sri Venugopalaswami temple at Biligali in the said taluk.

have been

his appeal.

No. 2564. Copy to Mr. D. K. Subba Rao.

W D 88—GPB—50,000—24-7-16

G.R.S. 11] 1914.

GENERAL AND REVENUE SECRETARIAT.

(Huzrai)

NOTES.

File No. 174-14

FILE HEADING.

Alienation of the inam lands endowed to Sri Venugopala Swami temple at Bilisali in the Nanjangud Taluk.

From

Mr. Puttayyaji Urs, Asst, Mysore.

~~No.~~ Petition Dated 12.9.14 Received

Diary No 572	Enclos. 2 Spare Copies –	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Appeals against the Dy. Comm's order declining to grant the petn's prayer to stay proc. for the recovery of certain arrears of kandaya due by him pending the final disposal of the

NOTES AND ORDERS.

Case relating to the inam lands alienated from the Temple.

K W

The appeal petition explains the facts of the case. Copies of the orders appealed against have been produced and the appe-

NOTES—First Sheet.

GPB—35,000 1-6-12

(2

2

General and Revenue Secretariat. | File No. 174 of 1914.

Serial No.

is within time -

2 The temple of Sri Venugopala Swami at Bilagali is a Inamai. institution endowed with a cash grant of Rs 29-1-0.

3 The apltts. case is that his ancestors built Sri Venugopala Swami temple at Bilugali and endowed 6½ Vrittis out of 30 Vrittis forming Jodi Bagali village in the Nanjangud Taluk, and that the temple which have been registered as Devadaya during the Inam Settlement. Several holders of personal inams borrowed some money from Mr. T. S. Krishnaraja of ~~Rajpur~~ Jaypur and mortgaged in 1889 the whole village including the Temple Vrittis (It is not known whether the amount was borrowed to pay up arrears of kandaya due on the inam village). The mortgagee having failed to pay any amount to the temple, the appellant seems to have been conducting services therein from his private funds. The aplt owns some private lands on which arrears of kandaya [illegible]

NOTE—Contn. sheet.

GPB—03,000—15-9-14

(3

S. 12]

General and Revenue Secretariat. | File No. 174 of 1914

Serial No.

R

He Contends that if the amount due from the temple Vrittis is paid up to him, he will ~~settle~~ pay the arrears of kandaya ~~due~~ due by him. 4 In 1912, the Dy. Commissioner Mr Krishna Iyer directed that the the 2 questions — payt of arrears of kandaya and resumption of temple Lands etc — have nothing to do with each other, Mr Puttaiyaji should pay up the arrears of kandaya and that action will be separately Taken about the alienation of temple Vrittis etc. Mr Puttaiyaji has applied to the present Dy. Commr who declined to interfere with the orders of his predecessor and observed that Suit could Cannot Take Steps under the alienation rules of 1877 in respect of the land which had not been granted as inam by Govt in the first instance and further that Section 14 of Limitation Act (Section of Limitation) ~~Stands~~ Stood in the way Mr Puttaiyaji has appealed to Govt — He requests that the

NOTE—Contn. sheet.

GPB—03,000—15-9-14

(4

12]

General and Revenue Secretariat. | File No. 174 of 1914

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alienated Vrittis may be resumed and restored to the institutions that arrears due since the date of alienation may be recovered from the mortgagee, that the temple's share of the maddika land in the village may be settled and the land made over to the institution, and that pending disposal of his appeal, the local authorities may be directed not to take steps for the recovery of the kandaya due from him.

6 Submitted for orders

ADL 1157
16.10.1914 RJ

7 From the orders of the Revenue Appeals which have been submitted it is not clear what the arrears of kandayam is, which is alleged to be being payable by the appellant. If it is the dues payable to the Kandaram it is a question whether he is not entitled to claim as [illegible] amounts due to [illegible]

[illegible]

NOTE—Contn. sheet.

GPB—03,000—15-9-14

(5.

12]

General and Revenue Secretariat.

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not. sure that the Dr Courts decision about the applicability of the Not. of 1877 is correct. We cannot go behind the Inam settlement and if the Entries are accepted as decisive thereon, it would be open subject to the Not. of 1877. S 14 of the Mam. Act is only an additional remedy and does not repeal the Not.

8) Please call for the submission of the records in the case with a clear report on the following points.

(1) When was the Entries mortgaged to Krishnarao and Govind and for what amounts

(2) How did it happen that the possession of the temple Villages was also made over

(3) Has Krishnarao kept an accurate account of the income from the temple Villages the period they were in his possession and if so, he must be directed to render accounts. Govt. what is likely to have been the income and incidental expenditure

(4) Has any proper

To [illegible]

NOTE—Contn. sheet.

GPB—30 v 0—15.9 14

(6

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General and Revenue Secretariat. | File No. 174 of 1914

Serial No.

other Vritties.

(5) What has Krishnaraja Wadiyar done for the restoration of the Vritties of the temple

(6) What is the right of the temple to the madhige lands mentioned in the application.

2nd

a1

9 Submitted with Dft

DW(115)
21.10.1914

10) a1 1/1

21/10/14

2 11 To D.C. Mysore No 900 Dt 7.11.1914
Forwards the petition for a detailed report with the records connected with the case
Encl to Petn No 90 Dt 7.11.1914

3 12 From the Dy. Comm^r, Mysore Dis^t
Letter no 309 Dt 10.12.16.
Submits further report called for in Serial 2.

13 Submitted with Dft. notices to the 3rd March 1916.

WC957
18.2.16. 19.2.16.

14 Aff^d
19/2/16

NOTE—Contn. sheet.

GPB—30 6-0—15 9 11

Serial No.

Subd 5 1st meadow

15 The Venugopalaswami temple at Iggali is a Mugrai in 8½ and owns 6½ Vrittis in the village. It is reported to be under the management of the applicant who is also the inamdar of certain lands in the village for which kandayam is payable by the Jodidars.

16 2 The village appears to be an old Agrahara Inam divided into 30 Vrittis but at the Inam settlement it was treated as personal and enfranchised though 1 Vritti was entered in the name of Varadarajaswami and 1 Vritti in the name of Timmaswami Swami and 6½ Vrittis in the name of Venugopalaswami. In the revised Quit-rent-register the Inam Supt. Corrected the mistake and showed the village as partly Devadaya and partly Brahmadaya and Consisting of both enfranchised and unenfranchised Vrittis. It is stated that though the village is Inâm the lands have been enjoyed in Common and the profits shared.

3 In 1890 the Jodidars appea

NOTE—Contn. sheet

GPI—70 000—17 12 15

Serial No.

Jagadeesa & Anr Krishna

Shanu become indebted and it is said that some or [illegible] mortgaged the village to Amildar Mr Krishna Rao for Rs 1000 and put him in possession. This mortgage deed is not before Govt and the actual terms are not known. It seems the admitted however that in the execution of the mortgage no one came forward to act on behalf of the temples.

18 4 Since then owing to the execution of the Sulkoti channel, the lands in the village have appreciated in value and the temples would appear to come in for a substantial share of the income if their ownership of the Inam is recognised. This however the mortgagee who continues the title in possession is unwilling to do and his right to enjoy the temple Inam has not been definitely raised or tested which may perhaps be due to the fact that the temple being the actual cultivator of the lands.

19 5 This point has however been raised more or less incidentally

NOTE—Contn. sheet

GPD—70 000- 17 12 15

and Revenue Secretariat. | File No. 174 of 191 4.

Serial No

[illegible] claim put forward [illegible] Mortgagee for the Kandagam on the lands in the occupancy of the temple Karnavatdar who is the present appellant. The latter claimed the share of the income due to Vanny Palaniswami temple which is said to be under his management and in the maintenance of which he urged that funds have been expended [illegible] from his private resources.

6. The Mortgagee sought recovery by Revenue process and the claim of the appellant for a set-off was rejected by the Dt Court who directed that the arrears should be paid up and that separate steps be taken as regards the restoration to the temples of the misappropriated Vritis. On a review application the Dt Court declined to interfere with his predecessor's order and in doing so observed that as the Inam was originally personal Act 4 of 1877 was not applicable and that S. 14 of the Mad. Rel. Court applied as more than 12 years have elapsed since the mortgage and

× Mr K. Krishnaiyer
R

× A. Subramanya Aiyar
Y

NOTE—Contn. sheet

GPL—70 000— 17 12 15

Revenue
tariat.

File No. 174 of 191 4

Serial No.

into possession

Arguments for appellant

21 7. So far as the claim for a set-off is concerned the contention is not quite tenable and the Muzrai Boards or Secretary has nothing to do with the decision in question. It is however concerned with the misapplication of the temple properties which so far as can be made out appear the valuable properties and the validity of the claim of the mortgagee to continue in possession has to be examined ~~is very questionable~~.

8. A perusal of the Inam Register would show that the original Sanads had not been produced and the settlement was based upon the Jamabandi accounts. In Exhs 14 & 15 the ownership of the temples to the Vritis was clearly recognised and apart from the present statement of the appellant, which for the reason already pointed out, has to be discounted, there is nothing to show that these temples were not the original endowments. In a case of this kind it is not safe to rely upon the unsupported statement of the temple manager

NOTE—Contn. sheet

GPI—70 000—17 12 15

particularly when his own interests were contra. On the records these Vrittis have been considered as Devadaya and they should have been kept unenfranchised. This more or less palpable error was discovered after Asst Supt when the register was revised and the necessary correction was made.

23 9. There is no rule precluding the Asst Supt from making such corrections and in fact a large number of such corrections have actually been entered in the revised register, the original one being more or less a provisional one. Apart from the Asst Supt's decision the Govt have always the right to decide upon the character of an Inam and in considering the applicability of the Chief Commr's Not dt 1877 it is the view taken by the Govt that counts. In this connection it may also be noted that the Jodi village is known as Agrahara Iggadi and it is not impossible that some of the Vrittis were granted after the

NOTE— Contn. sheet

GPL—70 000— 17 12 15

Revenue
tariat.

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to the village temples as is usually the case in other Agrahara Inams. The village is said to have been an Inam even before the Musalman rule, resumed at the time and regranted as Inam during the time of the late Highness Krishna Raja Wadeyar III. and it is from the latter incident that the character of the grant has been deduced.

24) 6. If it is decided that the writits in question are not Devadays and that Act II of 1877 is inapplicable, it remains to be seen how far the ordinary remedies either under the Mysore Regulation (S.9) or under the Civil Law of Mortgages are available. In considering the question of limitation, we may have to examine whether the Vrittidars and the mortgagee now standing in their shoes are not in the position of trustees to the temples or at all events whether they have not all colluded in the grant deliberately keeping the knowledge of the rights

NOTE—Contn. sheet

GPL—70 000—17 12 15

NOTE—Contn. sheet

P. 70000 17 12 1

G. R. S. 12]

General and Revenue Secretariat. | File No. 174 of 191 4

Serial No.

of the temples from the authorities who are the lawful guardians of their rights. Ss 10 & 18 of the Land Alienation Regn.

Lea
1. 3. 16

25
3 March 1916.

Appellant Absent.
Notice not returned.

Respt. by Mr. Nageswara

Issue another notice & post again.

[signature]

No Subsd. with 25th notices to the 29th May

M (S&A) 22-4-1916. Amin 24/4/16

Add
Lee
4/5
Adjd. to 15th June
Lee

29 Parties heard in part.
The question as to whether
the order of 17-11-1 by which S. 10 is deemed
repealed by implication by S. 14 of the

NOTE—Contn. sheet

P., 7000—17-12-15

(14

General and Revenue Secretariat. | File No. 174 of 1914

Serial No.

Regd. This is an important question and has to be argued at length. Issue also to look into the papers connected with the proceedings, this Regd & other refers bearing upon the matter.

It is also desirable to make the ~~orif~~ mortgagee parties to the appeal so that any decision arrived at may be binding upon them. The Govt Advr undertakes to file a list of names within a week. Notices will be issued to them, the case posted to a date after which due notice will be given to parties.

7.6.14

30) Submitted with the notices to the aplt, respts and the Kottidars of both Assali Village.

M Cyles
4-7-1914

31) Approved
11.7.14

32) The appellant is absent and so also is his advocate. ~~A petition was received from the~~ The appellant Notary ~~has~~ that he is ill and that an adjt may be granted. Mr Venkatarama Ayyangar for

NOTE—Contn. sheet

G. R. S. 12]

General and Revenue Secretariat.

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also reported to be ill. The case is adjourned as directed for 2nd instant. Fresh notices will issue to the advocates.

33 Out of 8 vakils present this day three were present viz Raja Bhalla, Sankara Rao and Venkatachala Bhalla. They were informed that they may engage legal advice and also present a statement of their case.

Next date of hearing to be sometime after Diwali

he 31.7.16

he 31.7.16

By Adjt to 21-11-16.

34 Notices to the Advocates for the applt & respts, & Mortgagees of the Vizam Villages, are herewith submitted.

W(Ptl) 3-11-1916

3- Appd he 6.11.16

709/22.11

35 The case is posted for the 21st inst.

he 20.11.16

2955/23.11.16

37 The applt in this case is a close relation of mine. I request therefore that the vakil may be ordered to be heard & the hearing of the case adjourned

Bhalla

he 21/11/16

Bhalla 22/11

NOTE—Contn. sheet

GP 70 000—17 12 15

neral and Revenue Secretariat. | MW3/ File No. 174 of 1916

Serial No.

295

39) In the circumstances the case may kindly be dealt with by the 2nd member of Council.

25.11.16. AO

451 / 27.11.16.

(2nd Revenue member)

Dr. 29/11

Lea 25.11.16

Rev & Mgmt matters are mixed up in this case

I want Mr. Mudge and the Supt. from the Supt Court to go for in person

The Mgmt Supt may explain the file in person to us

Supt 25.11 Dr. 29/11

Please update that the 3rd week of Jan" for trial hearing giving notice to all the parties

AO

Put up 20th Jan. Saturday. 5-12

Write to the Asst Supt to send up all connected papers relating to the change of the Asst into Devadaya. Mgmt duties

Lea 5.12.16

(17)

G. R. S. 12]

General and Revenue Secretariat.

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Serial No.

(46) With reference to the observations made at para 8 of my note dated 21.3.16 I beg to state that I have since received two documents relating to this village from the vernacular records. One of them relates to a Takeed of Seeman Purvaiga in 1809 depicting the names in the agrahara village of Iggali. The second relates to an account prepared in the Taluk in 1833. In the latter it is shown that Varadarajaswamy and Periaswamy were granted one vritti each at the time the village was granted into an agrahara and that as regards the 6½ vrittis of Venugopalaswami, they were purchased from the original vrittidars and made over to the temple. The latter cannot therefore be said to be Varadaya strictly speaking and the alienation rules of 1877 do not therefore seem to be applicable.

The Venugopalaswami temple at Biliguli however gets a cash grant from Govt of Rs 29-1a and is thus a Mysore institution in the management of which Govt is interested. S.9 of the Mysore Regn would appear

NOTE—Contn. sheet

(18

G. R. S. 12]

General and Revenue Secretariat. | File No. 174 of 191 6

Serial No.

to the case in print. The property contemplated in the section need not necessarily be a wakf and sub para 2 provides that the Mufassil office may order the delivery back of the property to the institution. In making such an order the office will have also to take all equities into consideration and the temple will have to pay back to the mortgagee its quota of the mortgage amount, if a valid mortgage binding its interest has been created. As S 38 of the Mufassil Regn precludes the jurisdiction of Civil Courts in ~~civil~~ all matters in which a Mufassil office or Govt has power to pass an order, it is doubtful if the temple can sue for ejectment or redemption in an ordinary court of law.

hb
19.1.9

49) Mr. Venkatachar for the appellants

NOTE—Contn. sheet

GPB—7000-17 12 15

(19

G. R. S. 12]

General and Revenue Secretariat. | File No. 176 of 1914

Serial No.

The other parties are absent. as also the advocate for the Respt. Mr. Krishna Rao the Respt. is dead. His son J. K. Subba Rao who has accepted the last notice will be brought on the record in his place. Issue notices agreed to the parties and their advocates for the adjd date

50) Notices issued.

4 To, the Supdt of Inam Settlements,
51) Letter no 1671 dt 11.1.17
Calls for the connected papers relating to the change of inam from "Personal" into "Devadaya"-

4 54) From, the Supdt of Inam Settlements,
Letter no. 84 dt 18.1.1917
Reports the circumstances under which the inam was changed into Devadaya and submits 3 original documents - (1) Inam Settlement mgt Sheet (2) Statement dt 16.7.1879 and (3) Amildar's relinquishment of inams

(for perusal & return)

Submitted.
M (9/2)
9.2.17

The papers received from the Inam Supdt do not throw any fresh light on the question

The case is posted for 13th inst. 12 noon
lic

9.2.17

55) 2nd member)

9.2.17

GPB 70 000—17 12 15

(20

General and Revenue Secretariat. | File No. 174 of 1914.

Serial No.

39 M1)

55) An abstract of the appellants' statement given before the Sanjan Sub div. Mr. on 2nd Jany and 11th April 1911 and a copy of the mortgage deed executed in favour of the Respondent are placed on the file.

3547)

56) Precedents of action taken by Govt in similar cases prior to the passing of the Mazgai Regulation are submitted for reference. It would be seen that the relief afforded has not been uniform. In one set of cases the Govt have declined to take executive action to set aside alienation of properties of a Mazgai kind when that property did not constitute Inam originally granted by Govt.

3c K1) vide the case of Kamiya Anjana Sharma. The whole question was fully at the time and the principle of action guiding such cases was definitely decided, though the inconvenience likely to be caused was realized and a remedy by legislation was contemplated. In this a couple of years after where was the principle

NOTE—Contn. sheet

GPB—70 000 17 12 15

ND 12.3—GPL—60,000—1 12-16—S.

(21)

R. S. III-2]

General and Revenue Secretariat.

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was departed from in the case of the Rajapalayam Mutt under circumstances which perhaps did not call for Govt. interference quite so much as in the case of the temple. This is the latest case so far as I am aware, where Govts. have been called upon to take executive action for the preservation of Hindu properties of a Mufassal institution.

(Sd) C. A. Lea
2nd Member 26.2.17

274.
26.2.17.

NOTE—Contn. sheet.

P. J. O.

WD 1288—GPB—60,000—1-12-16—S.

22

R. S. III-2]

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Read - ~~x~~ headds
& also Head ~~xx~~ xc

58) This is an appeal against the order of the Deputy Commissioner of [illegible] dated 15th June 1914 declining [illegible] petitioner's request [illegible] lands alleged to be the property of [illegible] Mohammedans and to issue certificates [illegible] thereof.

59) In 1913, the Deputy Commissioner [illegible] order [illegible] under section [illegible] of the Land Revenue Act [illegible] successor in 1914. In the [illegible] the Deputy Commissioner [illegible] land and the [illegible] will be, moreover, [illegible] ~~as~~ connected [illegible] 1914, [illegible] xx [illegible] and with the [illegible] the [illegible] the [illegible] concerned, [illegible] for [illegible] over 12 years, [illegible] xx [illegible] disturbed - vide section 14 [illegible] Regulation, - [illegible]

NOTE—Contn. sheet.

Contd. to

Serial No.

Commissioner could not interfere in the matter of getting the writ is or the people. The appellant does not wish to [illegible] of setting aside the [illegible] and confines his [illegible] restoration [illegible].

[illegible] recorded [illegible] and it is [illegible] Deputy [illegible] more than [illegible] [illegible] amongst [illegible] over the [illegible] [illegible] [illegible] writ in the [illegible] [illegible] [illegible]

WD 1233—GPB—60,000—1-12-16—S.

R. S. III-2]

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which are shown by the old documents as pertaining to the temple appear to be valuable and the respondents is prepared to release the same in the portion of the debt in which the lands are charged is paid off. He has no further interest in these lands. The only question is, whether the present case is one for interference or whether it should be left to be carried by the parties themselves. The Lazrai Regulation came into force on 1st January 1914. Section 7 gives the Collector authority to appoint a manager to any institution if he is satisfied mismanaged or wasted its property. The facts of the case are that [illegible] section 9, clause (3) of the Lazrai Regulation, the Collector is empowered to [illegible] order that [illegible] the Collector [illegible] order [illegible] the Collector [illegible] order [illegible] the Collector [illegible] order

WD 1283—GPB—60,000—1-12-16—S.

R. S. III-2]

General and Revenue Secretariat.

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vide order in the Kaiserbagh case. No 4698-509 Dt 7-9-1906.

case. In a subsequent case, however, the Govt: ruled that even if it is more or less a purely institution endowed by Government it has been recognised from a long time past that the Hon'ble Court is to see that charitable and religious trusts are properly managed and that it has power of this duty the Court still in the exercise of the management of such trusts. (Vide

quite.

case under the Mahomedan Endowments Act No. 906 Dt 28-8-1908.

The case of [illegible] the Court, [illegible] the case, it must be decided by the Hon'ble [illegible] and the Court, [illegible] public [illegible] moreover, [illegible] years. The [illegible] or [illegible] [illegible] [illegible]

WD 1288—GPB—60,000—1-12-16—S. 126

G. R. S. III-2]

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under the Muzrai Regulation itself there is no provision under which the restoration of the properties can be ordered to be made. It is not necessary to say whether the petitioner has any remedy open to him under the Civil Procedure Code, as being interested in the temple; or whether he is barred by the Limitation Regulation. These questions do not arise in the present appeal. In the circumstances in which the petitioner is entitled to the order prayed for, it is clear that the petitioner is quite within his rights to move the Revenue Authorities to have this matter resolved in the proper civil manner, the Court not being seized of it in the present appeal which is hereby dismissed.

29/3/17

Issue
Sd
23.3.17

Please see the dft- appd by the H.S
Sd
23/3/17

6 No: 2453 dt 29.3.17
to the Dy Coll, Nagore Distt,
Forwarded a copy of the order passed in the case, directing the dismissal of the appeal in question, with reference to this letter No. 309 dt 10.12.16.

NOTE—Contn. sheet.

WD 1283—GPB—60,000—1-12-16—S.

S. III-2]

General and Revenue Secretariat. | File No. 174 of 1914

Serial No.	
	Submtd. with a Dft. endt to the parties as directed, together with a Dft. letter returning the original documents received from the Inam Supdt. AV(94) 30.8.1917 30/3/17
	appd. 31.3.'17
7	No: 2563 dt 11.4.17, to the petr Mr Puttayyaji Rs, informing him that final orders have been passed in the case dismissing the appeal.
6	No. 2564 dt 11.4.17, to Mr T.K. Subbarow for dt Mr T. Krishna Rao, Pets accr dd 2 copies of the above for info
8	No: 2585 dt 11.4.17 to the Supdt of Inam Settlements, returning certain orig documents relating to the Kodi Iggala village received with his letter no: 21 dt
B	

NOTE—Contn. sheet.

IACY No. 520
19 14-15
ECTION Muzroi
LE No. 174-14
RIAL No. 1

103
/

In the Court of the Muzroi Superintendent in Mysore
B a n g a l o r e.

Muzroi case No. of 1914-15.

Applicant:- Puttayyaji Urs,
Fort, Mysore.

The applicant humbly begs to submit as follows:

1. That the applicant's ancestors built a Templ known as Venugopalaswami at Biligali in the Nanjangud Taluk and got a Government tasdik for current expenses and the temple to this moment continues to be under the management of the applicant, though it is nominally a Muzroi institution.

2. For the proper conduct of daily worship and extra-ordinary festivities, the applicant's ancesto bought 6½ Vrithies from the Sarvamanya holders of Iggali village attached to Nanjangud Taluk: and applied the Kandayem amount thereof for the purpose of the Temple, while they retained the land comprising the Vrithies under their own cultivation.

3. During the Mahomedan Rule of Mysore, the Inam village of Iggali had been confiscated and latterly during the regency of Dewan Purnayya, it was conver ed into Jodi and owing to that conversion, the applicant's family people were defraying the temple expenses from their own funds, as the Kandayem afte deduction of Jodi was hardly sufficient to meet the full expenses.

4. During the reign of His Highness Sri Krishna Raja Wodeyar Bahadur in 1811, the applicant's -

ancestors -

ancestors represented their grievances and His High-ness was graciously pleased, while treating the Vrithies as Devadaya, to enhance the Government grant from 6 to 60 Varahas per annum, and to allow the applicant's family to manage the institution.

5. In the Quit Rent Register of Jodi Baggali village, mention may be found that under Devadaya, 6½ Vrithies have been set apart for Venugopalaswami temple at Biligaḷi, 1 Vrithi for Varadaroyaswami and 1 Vrithi for Tirumeswaraswami temple in the Layar village; and it is also mentioned therein that these Vrithies are unenfranchised.

6. Thus it may be seen that though Vrithi a ount of the lands were dedicated for temple purposes, yet the proprietory right of cultivating and enjoying the produce vested in the applicants. At the time of Khist collection, the Jamabandi of the 6½ Vrithie would be calculated and remitted to the applicant's ancestors, and that amount they used to spend towards the temple: during certain years the remittance used to be shown in accounts as recovered and paid into the hands of the Manager, who were the applicant's ancestors. This procedure as adopted as the applicants were expending arounts out of their pocket without waiting for the actual receipt of these apportionments.

7. Owing to extension of Hulhalli channel, some of the Vrithi lands came came to be irrigated and the Government charged water rate upon the lands. In the meantime, the Managers of the temple allowed some arrears to accumulate: and in result the village came to be proceeded against for arrears of Revenue. Thereupon ten of the several holders of

personal

personal Inams in the said village borrowed some money from Mr. T. S. Krishna Rao, mortgaging the personal Inams of theirs as well as the temple Vrithies and executed a document. The said Mr.T.S. Krishna Rao, as mortgagee of the whole village, tho' he knew that he cannot take unenfranchised Inams in mortgage, and also he knew that he cannot enter into transactions of this kind as a public servant from people who had no power to alienate, yet he thought it fit to acquire the village.

8. After acquiring the village he put a stop to all the mamool procedures and declared himself to be the owner of all the 30 Vrithies and obtained commission for the recovery of arrears and after getting the said power, tried to issue notice to the defaulters for arrears of Kandayem and water rate due to Government, as may be seen from his notice dated 1-6-1908 attached hereto. The applicant wrote to the mortgagee about the absurdity of the procedure and said that if the lands of the 6½ Vrithies of the entire area were given as a set off against the demand shown as recoverable from him, he will pay up the arrears whatever it may amount to and it works that reason, the item of part became disputed from the year Hevilambi. He received no reply. Thereupon, the mortgagee issued a notice to the applicant and the applicant replied the Amildar that if his Vrithi amounts were settled, he would pay up balance if any. The Amildar sent up papers to the Sub Dn. Officer Nanjangud, who instituted an enquiry and submitted records to the Deputy Commissioner, about the bona fides of the applicant's claim.

9. The accompanying copy of the application

submitted

103/4

submitted to the Deputy Commissioner, Mysore, will explain the nature of the whole case. Thereupon Mr. K. Krishna Iyer passed an order in No.3193/1047 dated 18-4-1912 to the effect that the applicant should pay Kandayem for lands under cultivation and in regard to misappropriation of the Vrithi amounts due on the 6½ Vrithis of the temple land due notice will be taken and needful reference made to the Muzroi Superintendent. The said copy of order is produced herewith for perusal.

10. That later on the applicant moved the present Deputy Commissioner for the early settlement of the question pending for a long time and in reply he has been favoured with an endorsement No.109 of the 15th June 1914. The Deputy Commissioner has been pleased to state thathe cannot interfere with his predecessor's orders; and yet he has given expressions to his feelings which go to a great extent to damage the case of the applicant. If he had no jurisdiction to interfere with his predecessor's decision, he had certainly no jurisdiction to pass an order entirely at variance with that of predecessors, in as much as the Takarar of the applicant began from the year Hevilambi during which year the village was taken under mortgage. The said order is enclosed for favor of perusal, and it may be seen that it has prevented the chance of the records going to the Muzroi Department for discussion about the Devadaya lands through Government channels.

11. The Jamabandy of the 6½ Vrithies of lands attached to the temple and the expenses incurred by the applicant are so blended together that without the one, the other could not be satisfactorily settled. The mortgagee has now attempted to deprive

the -

the applicant and the temple the advantage to be derived from the Vrithies and the maddik lands and tank attached to the whole village. The personal Inam holders have no right to alienate the temple Devadaya Inams and the mortgagee who was an Amildar at the time of taking the Vrithies knew full well that what he was doing was fully against the policy of Government.

12. Before the extension of the channel into the village, there existed a tank and the said tank was the common property of all the 30 Vrithies: and if the bed was sold, the proceeds had to be apportioned between the 30 Vrithies in equal proportions. As explained in para 8 of the copy of application to the Deputy Commissioner, herein enclosed, it may be seen how high-handedly and illegally, steps have been taken to appropriate the entire bed of the tank without paying a single pie thereof, though lands about the place are worth more than 500 Rs. per acre. That the applicant has been no party in any of the transactions with Mr. T.S.Krishna Rao: As the Deputy Commissioner has entirely misunderstood the various representations of the applicant, he has made himself bold to go up to the Muzroi Department, to move for the settlement of the question of temple Vrithies and how the proceeds thereof have been disposed by the mortgagee and what explanation he is going to give thereon and also for investigation of the circumstances, how the Devadaya Inam had been taken in mortgage and enjoyed to the detriment of the temple to which it is assigned, and needful steps taken to correct the mistake: and resume the temple Vrithies and place the same under the management of the Musroi

Department -

Department and also recover that part of the tank bed land due to 6½ Vrithies or the value thereof and thereby strengthen the hands of the applicant for the effective management hereafter of the temple built by his ancestors several centuries ago. The applicant is willing to abide by any order which may be passed in the Muzroi Department or by Government and he prays that pending the final disposal of this question, the proceedings for recovery of Kandayem started in a separate way may be kindly caused to be held in abeyance. 27-5-48

G.R.S. 26] 2715 2715 (Caus for report on the appeal petition of Mr Puttaiyyaji urs, In

File No. Revenue

Serial No. 174 16

2--

Diary No. of letter replied to 520

No. 720 [illegible] 5

General and Revenue Secretariat

( )

, *the* 19 .

To

The Dy. Commissioner,

Mysore District.

Date of issue 11-[illegible]

Signed by [illegible]

S

~~Has the honor~~ to

herewith petition reg

No. 520 Dy 12th September 19

from Mr Puttayyaji urs,

Mysore, appealing again

the Dy Commrs. order

declining to grant ~~the petns~~ his

prayer to stay pro

ceedings for the recovery

of certain arrears of Kandu

due by him, pending

over.

SUBJECT.

The final disposal of the case relating to the inam ds in Jodi Iggali Village, Nanjangud Taluk, ~~alienated~~ belonging to the ~~grant~~ Sri Venugopalaswami Temple at Bilagali in the said Taluk, and to request the ~~Commissioner~~ Inspector of the records in the case with a clear report on the following points:—

(1) When ~~was~~ were the Vrittis mortgaged to Krishnadev, ~~and~~ by whom and for what amount?

(2) How did it happen that the possession of the Temple Vrittis was also made over?

(3) Has Krishnadev kept an accurate account of the income from the Temple Vrittis during the period they have been in his possession, And if so, ~~he~~ why should he not ~~must~~ be directed to submit the accounts and to state that it is not clear what the arrears of Kandayam is which he has been ordered to pay up.

2. As it is not ~~doubtful~~ whether or not ~~whether~~ the mortgage will be allowed to hold the Inam settle need declaring that the Vrittis in question are Devadayam Inam, I am to request that you will be so good as to furnish me with information on the following points which are necessary for the disposal of the case.

List of enclosures.

Copied by

Examined by

GPB—20,000—25 9 10

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

to render accounts. If not, what is likely to have been the income and incidental expenditure from the temple Vrittis

(4) Was any payment being made to the Temple by ~~the~~ his masters out of the income of the Vrittis?

(5) What has Mr. Krishna Rao to say to the restoration of the Vrittis to the Temple?

(6) What is the right of the Temple to the Maddi lands referred to by the appellant?

By order,

for Secretary.

24.10.14

3. A report on the allegations contained in the petition together with the records which can may also be submitted with the information now called for at an early date.

2755 No 901 D 7. 11. 1914

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

With reference to his petition regd. No 520 Dy 12th September 1914 appealing against the Mysore Dy. Commrs. order declining to grant the petrs. prayer to stay proceedings for the recovery of certain arrears of kandaya due by him, pending the final disposal of the case relating to the alienation of certain inam lands from Sri Venugopala Swami Temple at Bilagali in the Nanjangud Taluk, Mr. Puttappaji Urs is informed that a report with the records, which was called for from the Dy Commr, on receipt of which, the petition will be finally disposed of by Government.

By order,

GPB—12,000—15-2-1

DBT 7-11-14

S. L. 21/10/1

GPB—50,000—30-7-15

19

DIARY No. 988

1915-19 16
SECTION Inv
No. 174-Ry
No. 3

From The Deputy Commissioner
Mysore District.

To The Rev: Secy: to Govt:
Emigrai Branch.
Bangalore

Dated 9th December 1915
Despatched 10th
Received

General No. 309.
No.

Enclosure No. Emigrai.

Furnishing certain information about the Jodi Land of Jodi Iggali Village, Nanja Pur Taluk

Office of the Deputy
Mysore Division

37

Dated Mysore 9th December 1915.
10th " "

From

A. Subramanya Iyer, Esq., B.A.,
Deputy Commissioner,
Mysore District.

To

V. R. Thyagaraja Iyer, Esq., M.A.,
Rev. Secretary to the Government of
H. H. the Maharaja of Mysore
Mysore Branch.

Sir,

With reference to your letter no: 900/
Mysore 174-14-2 dated 7th November 1914
calling for certain information about the
Inam lands of Yadi Yagali Village, Nanjan-
gud Taluk, belonging to the Biligili Venu-
gopalaswami temple, I have the honor
to state with reference to the several queries
in the letter as follows:-

(1) It is reported that the lands were
mortgaged with possession for Rs: 1000/-
to Mr. Krishnarao, the present enjoyer of the
Yadi village in the year 1890 by the Brahmin

of the same.

(2) Mr. Krishnarao has stated (Vide also finds nos. 60 and 61 of the enclosed file) that the mortgagors states that they were in enjoyment of the lands now alleged to be devadaya for 50 or 60 years past and included them in the mortgage deed and made over possession thereof to him. It may be noted in this connection that the Village was confirmed in the inam settlement as personal and enfran.

(3) Mr. Krishnarao has stated that as the Village lands are not apportioned among the Vaithidars but held by all jointly, the Vasoolbaki and other accts are not maintained Vaithiwise and that therefore no separate accounts as regards the temple Vaithis have been maintained The Amildar has not made any enquiries as to what is likely the income and incid

from the temple vrithis but it may
state here that Mr. Krishnarao has
pressed to notice that the heirs of this village
is the same (but for the addition of 10% under
the inam rules) as the good (vide copy the
inam register contained in the enclosed file).
(4) No payments are being made to the
temple as regards temple Vrithis.
(5) Mr. Krishnarao says that though the
6½ Vrithis are shown as temple lands, yet
as they are not devadaya lands, the rules
of 1877 are inapplicable (point no: 109)
thus showing his unwillingness to leave
them for the benefit of the temple.
(6) The mortgage has stated that the
maddika lands have not been partitioned
among the Vrithidars but are cultivated
by royts and the Kandayam included
under the gross jamabandi of the entire
village.

As regards the other points noted in the

of the lands held by the mortgagee without disturbing the benefit thereof. Whether, these appears to be matters for settlement in a Civil Court.

The records ending with Nanjangud Sub division officers vadi no: 224/290 dated 12th October 1915 accompany for reference and kind return when done with.

I have the honor to be
Sir,
your most obedient servant.

Deputy Commissioner
Mys

N. 26]

File No.

Serial No. 4

Diary No. of letter replied to .....

No. 1671

General and Revenue Secretariat

( )

, *the* 191 .

To

The Supdt of Inam Settlements in Mysore,

Date of issue 11. 1. 1917

Signed by M. G. Srinivasa Ayyar

Sir,

I am directed to request that the question relating to the resumption of 6½ Villis out of the Jodi Village of Iggali in Tayur Hobli of the Nanjangud Taluk, alienated from the Temple of Sri Venugopala Swami at Bilagali in the said Taluk, is before Government. It is observed that during

over

SUBJECT.

Inam Settlement of 1879

The Jodi Village refd. to was treated as personal though in cols. 14 and 15 of the Inam register, the ownership of the Temples to the 6½ Vrittis was recognized, and that in the remarks final fair-rent register, the Jodi Village came to be entered as "Personal and Devadaya" (vide pages 94 and 95 of the fair-rent register of the Nanjangud Taluk)

~~I am to request that As this case will be heard by Govt on the 20th January 1917,~~

I am to request that you will be so good as to send up all connected papers relating to the change of Inams into Devadaya so as to reach this office not later than the 18th instant.

I have &c.

List of enclosures

Copied by

Examined by

GI B—20,000—10 10 4

DR/

11/1/17

for Joint-Secretary.

WD 067—GPB—200—20 1 16

No. 84
Enc. 15

OFFICE OF THE SUPERINTENDENT OF
INAM SETTLEMENTS IN MYSORE.

Dated Bangalore, 18th January 1917.

DIARY No. 685

FROM

D. K. DARASHAH, ESQ., B.A.,
Superintendent of Inam Settlements in Mysore,
Bangalore.

To

D. M. Narasimharao
~~B. Ramaswamaiyya~~, Esq. B.A. & B.L.
Secretary to the Government of
H. H. the Maharaja of Mysore,
Genl ~~Revenue~~ *Department.*

SIR,

With reference to your letter No. 1671/Inam 174-14 dated 11th January 1917 Calling for all Connected papers relating to the change into Devadaya of the 6½ Unities belonging to Sri Venu Gopala Swamy at Bilaguli in the Nanjangud taluk I have the honor to State that no ~~mirasi~~ was forthcoming at the Inam Settlement & that the village was consequently Settled on the Huzur godi account of 1826 in which it was Stated that the Said temple had 6½ U in the village (vide col: 14 of the Inam Regr). This fact tallied with the entries in the Statement furnished by the Inamdar and also in the account furnished by the amildar at the Inam Settlement. So the

× Flag. A

46)

Settlement of 6½ Vrittis was made for this Devaru two other Vrittis stand in the name of 2 other Devarus, and 21½ vrittis in this Inam village come under the description of personal Inams. Personal and Devadaya interests having been found mixed up in the village, it was treated as "Personal and Devadaya" at the Inam Settlement.

2. The Connected papers as noted in the margin are sent herewith for reference and obliging return.

* 1. Inam Settlement Register original Sheet No. 76
2. Statement No. 29
3. Amildar's register of inams (one book) 1

Total 15

I have the honor to be,
Sir,
Your most obedient Servant
[signature]
Superintendent of Inam
Settlements in Mysore.

GEN. & REV. DEPT. ... 1917

REV. C 1

1917

FROM

THE SUPERINTENDENT,
INAM SETTLEMENTS IN MYSOR

To

THE SECY TO THE GOVT. OF
H. H. THE MAHARAJA OF MYSORI
Genl Revn DEPT

Dated
Despatched } 19. 1. 191

No.

Enc Just. re

SUBJECT.

Forwards orig: records relating to the change into D of the 6½ C. belonging to Venu Gopalaswami at Bilaguli, Nanjangud Tq

ఆ ఊరి చుట్టూ పెద్ద పెద్ద చెరువులు ఉండేవి. ఆ చెరువులలో నీళ్ళు ఎప్పుడూ ఉండేవి. ఆ నీళ్ళలో చేపలు ఉండేవి. ఆ చేపలను పట్టుకోవడానికి ఆ ఊరి వాళ్ళు వెళ్ళేవారు. ఆ ఊరి వాళ్ళు చేపలను పట్టుకొని తినేవారు. ఆ ఊరి వాళ్ళు చేపలను అమ్ముకొని డబ్బులు సంపాదించేవారు. ఆ ఊరి వాళ్ళు చేపలను పట్టుకోవడానికి వలలు వాడేవారు. ఆ వలలు చాలా పెద్దవిగా ఉండేవి. ఆ వలలు చాలా బలంగా ఉండేవి. ఆ వలలు చాలా ఖరీదైనవిగా ఉండేవి. ఆ వలలు చాలా అరుదుగా దొరికేవి. ఆ వలలు చాలా విలువైనవిగా ఉండేవి. ఆ వలలు చాలా అపురూపమైనవిగా ఉండేవి. ఆ వలలు చాలా అద్భుతమైనవిగా ఉండేవి. ఆ వలలు చాలా అందమైనవిగా ఉండేవి. ఆ వలలు చాలా ఆకర్షణీయమైనవిగా ఉండేవి. ఆ వలలు చాలా మనోహరమైనవిగా ఉండేవి. ఆ వలలు చాలా సుందరమైనవిగా ఉండేవి. ఆ వలలు చాలా అద్భుతమైనవిగా ఉండేవి. ఆ వలలు చాలా అపురూపమైనవిగా ఉండేవి. ఆ వలలు చాలా అరుదుగా దొరికేవి. ఆ వలలు చాలా ఖరీదైనవిగా ఉండేవి. ఆ వలలు చాలా బలంగా ఉండేవి. ఆ వలలు చాలా పెద్దవిగా

ARIAT.
GEN. TYPING SEC.
23 MAR 1917

Before the Government of His Highness the Maharaja of Mysore.

Appeal No. 7 of 1915-16

Appellant. (Petitioner) Vs. Respondent (Counter petitioner)

Mr Puttaiyyaji ans
J Mysore.

Mr J. K. Subba Rao
Son of
Mr J. Krishna Rao, Retd
Amildar (since deceased).

Subject.

Appeal against the Mysore Dy. Commrs. order declining the restoration of 6½ Vrittis out of Godi Issali Village in the Nanjangud Taluk said to have been alleged to be endowed to Sri Venugopala Swami Temple at Bilagali in the said Taluk.

Order

The case came up for final hearing on 20th Febry 1917, the appellant being represented by his Advocate Mr V. Venkatachar, and the respondent being present in person and represented by his Advocate Mr A. K. Nagesha Iyer.

2-3-17

GPB—1,000—S S 11

R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

2/. Copy and paras 58 to 63 of the Notes.

2453 Encls & 29-3-1917

Memo 1754-14-10

Copy of the above is forwarded to the Deputy Commr, Mysore District with reference to correspondence ending with his letter No 3098 10-12-16.

BO

Dft 23/3/17

Sd 23.3.17 Sd Lacy to Govt. Gene Dept

GPB—20,000—7 7 14

GPB—500—28-10-14

Before the Government of His Highness the Maharaja of Mysore.

Appeal No. 7 of 1915-16.

Appellant. (Petitioner)	Respondent. (Counter petitioner).
Mr. Puttaiyyaji Urs of Mysore.	Mr. T. K. Subba Rao Son of Mr. T.Krishna Rao, Retired Amildar (since deceased).

Subject.

Appeal against the Mysore Deputy Commissioner's order declining the restoration of 6½ Vrittis out of Jodi Iggali Village in the Nanjangud Taluk said to have been endowed to Sri Venugopala Swami temple at Bilaguli in the said Taluk.

O r d e r .

The case came up for final hearing on 20th February 1917, the appellant being represented by his Advocate Mr. V. Venkatachar, and the respondent, being present in person and also represented by his Advocate Mr. A. R. Nageswara Iyer.

2 This is an appeal against the order of the Deputy Commissioner of Mysore dated the 15th June 1914 declining to grant the petitioner's request for the resumption of certain lands alleged to be the property of Sri Venugopalaswami temple at Bilaguli as endowment thereof.

3, In 1912, the Deputy Commissioner considered the same question and passed certain orders which came up for review before his successo in 1914. In the orders of 1912, the Deputy Commissioner refused the appellant's request to set off the arrears of Inandayam due by his

to the jodidars of the village, over-ruling the contention that the question of restoring the property alleged to belong to the Venugopalaswami temple which is said to be under the management of the petitioner is connected with the payment of kandayam due by him. In the review order of 1914, the Deputy Commissioner declined to interfere with his predecessor's order and so far as the question of restoring the lands to the temple was concerned the Deputy Commissioner held that as the mortgagee has been in possession for over 12 years, his possession cannot be disturbed -- vide section 14 of the Muzrai Regulation, -- and that therefore, the Deputy Commissioner could not interfere in the matter of getting the vrittis for the temple. The appellant does not wish to press the question of setting off the kandayam before Government and confines his appeal to the question of the restoration of the lands.

4. There does not appear to be any dispute as regards the facts of the case. All the documents bearing on the rights and title over the lands in question have been carefully examined and it is established that, as found by the Deputy Commissioner of Mysore, the vrittis were not originally granted as devadaya by Government. All the 30 vrittis of the village were for personal benefit and the appellant's ancestors purchased 6½ vrittis and made them over to the temple. The Deputy Commissioner rightly held that the alienation rules of 1877 did not apply. The respondent got the entire village in 1890 by virtue of the mortgage deed the original of which has been produced and it is not clear how the appellant or any one connected with the temple management on his behalf could have then allowed the transfer of possession of the 6½ vrittis made over to the temple without making any attempts to save these lands for that institution.

5. As the temple gets a cash grant of Rs.29-1-0 from Government it must be considered to be a Muzrai institution. The proper...

which are shown by the old documents as belonging to the temple appear to be valuable and the respondent is prepared to release the mortgage if the portion of the debt with which the lands are charged is paid up. He has no other interest in these lands. But the question is, whether the present case is one for the interference of Government or whether it should be left to be settled by the regular courts. The Muzrai Regulation came into force from the 1st January 1914. Section 9 thereof gives authority to a Muzrai officer to deliver back any property to the institution if it has been mismanaged for misappropriated. The facts of the case are not such as to bring them under section 9, clause (2) of the Muzrai Regulation. Section 14 of the Regulation also does not apply as the inam in this case has not been granted by Government. So, the adverse possession of 12 years referred to by the Deputy Commissioner does not seem to militate against any order that may otherwise be legal to restore the property to the temple.

6. There are two conflicting decisions of Government in similar cases prior to the passing of the Muzrai Regulation, in one of which, the Government considered that no executive action can be taken to set aside an alienation of the property of a Muzrai institution when that property did not constitute an inam originally granted by Government - Vide order in the Kaniyur Anjenayaswami temple case No.4498-509, dated 7th April 1906. In a subsequent case, however, the Government ruled that even if it were not a Muzrai institution endowed by Government it has been recognised from a long time past that they have a duty to see that charitable and religious endowments are properly managed and that in the discharge of this duty they can step in and take over the management of such institutions and their endowments. (Vide order in Mamulpet Jangam Matt Case No.906 dated 20th August 1908.)

The facts of this case are not on all fours with the present one. The order appealed against having been passed when the Muzrai Regulation had already come into force, the case must be decided by the provisions of that Regulation and the only section that seems to have any application to the case is section 10 which, however, gives a limitation of 3 years. The Counter-petitioner points out that neither the petitioner nor anybody representing the temple was a party to the mortgage and that so far as the counter-petitioner himself is concerned, he is prepared to release the lands on payment of the mortgage debt.

7 As the original order of the Deputy Commissioner was passed in 1912, it may be argued that the case should be decided in accordance with the customary law and usage prevailing prior to the enactment of the Muzrai Regulation. Even upon this argument, the Government do not consider that any interference is justified and under the Muzrai Regulation itself there is no provision under which the restoration of the properties can be ordered by Government. It is not necessary to say whether the petitioner has any remedy open to him under the Civil Procedure Code, as being interested in the temple; or whether he is barred by the Limitation Regulation. These questions do not arise in the present appeal. If the petitioner is anxious to get the properties restored, it is clear that the counter petitioner is quite willing to restore them provided he is paid the amount due to him and as this appears to resolve itself into a purely civil matter, the Government see no reason to issue any further orders as prayed for in the appeal which is hereby dismissed.

- - - - - - - - -

No.

P. P. O.

No. 2453 Emplt Dy 29th March 917
Mma 174-14-6 (Regd)

Copy of the above is forwarded to the Deputy Commissioner, Mysore District, with reference to correspondence ending with his letter No.309 dated 10th December 1916.

The Vernacular records are herewith returned.

By order,

29.3.17
for Secretary to Government,
General Department.

Faindfl-
ann
29/3/17

MRN. 3.

2813 No 2563 Dy 11.4.1914
Mun 174-14-7

N/4

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Endorsement granted to Mr. Puttayyaji Avo, Fort, Mysore (Through his Advocate Mr. V. Venkatachar), with ref. to his petition regd. No. 520 Dy 12th September 1914 appeal-ing against the Mysore Dy Commrs. order declining the restoration of 6½ Vrittis of Godi Iggali Village in the Nanjangud Taluk ~~to have been~~ endowed to Sri Venugopala Swami Temple at Bilaguli in the Nanjangud Taluk.

final order has been passed in the case dismissing the appeal

~~In reply~~ The petr is informed that orders have been is observing that if the petr is anxious to get the properties restored, it is clear that the Counter petr is quite willing to restore them provided he

5-8-)

to ~~proceed~~ paid the amount due to him, and directing that, as this ~~subject matter of the dispute~~ resolves itself into a purely civil matter, ~~this~~ Court see no reason to issue any further orders as prayed for in the appeal which has been dismissed.

By order
Sd
31.3.17
Asst Secretary

Sd/- ... Joint Secretary. No. 256 & Dy 11.4.1917
30/3/17
Copy to Mr T. R. Subba Rao
Son of Mr T. Krishna Rao,
Retired Amildar, ~~Taluq~~
~~Advocate Mr A.R. Nagesh Rao~~
~~Agent~~.

By order
Sd
31.3.17
Joint Secretary

SDA

...
30/3/17

GPB—20 000—16-2 14

S. 26]

File No. 174/14
Serial No. 87

Diary No. of letter replied to .....

No. 2565 Enc

General and Revenue Secretariat
( )
, *the* 191 .

To

Sealed

The Supdt of Inam Settlement
in Mysore,

Date of issue 11.4.1917

Signed by Mr G Narasimmaiya

Sir,

I am directed to return
in the accompanying sealed
cover, the marginally-noted
original documents relating
to Jodi Iggali Village in the
Nanjangud Taluk, received
with
~~under~~ your letter No. 84
dy 18th January 1917.

I have etc.

lcg
31.3.17
for Jt Secretary

(1) Inam Settlement register original sheet no 76
(2) Statement no. 29 with 12 enclosures
(3) Amildar's register of Inams (one Book).

(157)

30/3/17

over.

SUBJECT.

List of enclosures

Copied by

Examined by

GPB—20,000—10 10 14

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 2453—Muz. 174-14-6, dated 29th March 1917.

Restoration of certain Vrittis in Jodi Iggali Village.

Passes orders on the —— in the Nanjangud Taluk said to have been endowed to Sri Venugopalaswami temple at Bilaguli in the said taluk.

W D 2166—GPB—27 4 17—255

Restoration of certain Vrittis in Jodi Iggali Village.

No. 2153—Muz. 174-14-6, dated 29th March 1917.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Appeal No. 7 of 1915-16.

Appellant (*Petitioner*)	*vs.*	Respondent (*Counter-petitioner*)
Mr. Puttaiyaji Urs of Mysore		Mr. T. K. Subba Rao, son of Mr. T. Krishna Rao, Retired Amildar (*since deceased*).

Subject.

Appeal against the Mysore Deputy Commissioner's order declining the restoration of 6½ vrittis out of Jodi Iggali village in the Nanjangud Taluk said to have been endowed to Sri Venugopalaswami temple at Bilaguli in the said taluk.

Order.

The case came up for final hearing on 20th February 1917, the appellant being represented by his Advocate Mr V Venkatachar, and the respondent, being present in person and also represented by his Advocate Mr A. R. Nageswara Iyer.

2 This is an appeal against the order of the Deputy Commissioner of Mysore dated the 15th June 1914 declining to grant the petitioner's request for the resumption of certain lands alleged to be the property of Sri Venugopalaswami temple at Bilaguli as endowment thereof

3 In 1912, the Deputy Commissioner considered the same question and passed certain orders which came up for review before his successor in 1914. In the orders of 1912, the Deputy Commissioner refused to grant the appellant's request to set off the arrears of kandayam due by him to the Jodidars of the village, overruling the contention that the question of restoring the property alleged to belong to the Venugopalaswami temple which is said to be under the management of the petitioner is connected with the payment of kandayam due by him. In the review order of 1914, the Deputy Commissioner declined to interfere with his predecessor's order and so far as the question of restoring the lands to the temple was concerned, the Deputy Commissioner held that as the mortgagee has been in possession for over twelve years, his possession cannot be disturbed—*vide* Section 14 of the Muzrai Regulation and that therefore, the Deputy Commissioner could not interfere in the matter of getting the vrittis for the temple. The appellant does not wish to press the question of setting off the kandayam before Government and confines his appeal to the question of the restoration of the lands.

4. There does not appear to be any dispute as regards the facts of the case. All the documents bearing on the rights and title over the lands in question have been carefully examined and it is established that, as found by the Deputy Commissioner of Mysore, the vrittis were not originally granted as *devadaya* by Government. All the 30 vrittis of the village were for personal benefit and the appellant's ancestors purchased 6½ vrittis and made them over to the temple. The Deputy Commissioner rightly held that the alienation rules of 1877 did not apply. The respondent got the entire village in 1890 by virtue of the mortgage deed the original of which has been produced and it is not clear how the appellant or any one connected with the temple management on his behalf could have then allowed the transfer of possession of the 6½ vrittis made over to the temple without making any attempts to save these lands for that institution.

5. As the temple gets a cash grant of Rs. 29-1-0 from Government, it must be considered to be a Muzrai institution. The properties which are shown by the old documents as belonging to the temple appear to be valuable and the respondent is prepared to release the mortgage if the portion of the debt with which the lands

are charged is pai
is, whether the present cas
it should be left to be settled by
into force from the 1st January 1
Muzrai officer to deliver back any property in these lands. But the question
managed or misappropriated. The facts of the case of Government or whether
under Section 9, clause (2) of the Muzrai Regulation Muzrai Regulation came
tion also does not apply as the inam in this case has not been given authority to a
ment. So, the adverse possession of twelve years referred to has been mis-
Commissioner does not seem to militate against any order that may bring them
legal to restore the property to the temple.

6. There are two conflicting decisions of Government in similar cases prior to the passing of the Muzrai Regulation, in one of which, the Government considered that no executive action can be taken to set aside an alienation of the property of a Muzrai institution when that property did not constitute an inam originally granted by Government – *vide* order in the Kaniyur Anjenayaswami temple case No. 4498-509, dated 7th April 1906. In a subsequent case, however, the Government ruled that even if it were not a Muzrai institution endowed by Government it has been recognised from a long time past that they have a duty to see that charitable and religious endowments are properly managed and that in the discharge of this duty they can step in and take over the management of such institutions and their endowments. (*Vide* order in Mamulpet Jangam Matt Case No. 906, dated 28th August 1908.) The facts of this case are not on all fours with the present one. The order appealed against having been passed when the Muzrai Regulation had already come into force, the case must be decided by the provisions of that Regulation and the only section that seems to have any application to the case is Section 10 which, however, gives a limitation of three years. The counter-petitioner points out that neither the petitioner nor anybody representing the temple was a party to the mortgage and that so far as the counter-petitioner himself is concerned, he is prepared to release the lands on payment of the mortgage debt.

7. As the original order of the Deputy Commissioner was passed in 1912, it may be argued that the case should be decided in accordance with the customary law and usage prevailing prior to the enactment of the Muzrai Regulation. Even upon this argument, the Government do not consider that any interference is justified and under the Muzrai Regulation itself there is no provision under which the restoration of the properties can be ordered by Government. It is not necessary to say whether the petitioner has any remedy open to him under the Civil Procedure Code, as being interested in the temple; or whether he is barred by the Limitation Regulation. These questions do not arise in the present appeal. If the petitioner is anxious to get the properties restored, it is clear that the counter-petitioner is quite willing to restore them provided he is paid the amount due to him and as this appears to resolve itself into a purely civil matter, the Government see no reason to issue any further orders as prayed for in the appeal which is hereby dismissed

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No. 2453- Muz. 174-14-6, DATED 29TH MARCH 1917.

Copy of the above is forwarded to the Deputy Commissioner, Mysore District, with reference to correspondence ending with his letter No. 303, dated 10th December 1916.

The Vernacular records are herewith returned.

By Order,
D. M. NARASINGA RAO,
Secy. to Govt. Gen. Dept.